

PROFESSIONAL LICENSURE DIVISION[645]**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Respiratory Care hereby gives Notice of Intended Action to rescind Chapter 260, "Administrative and Regulatory Authority for the Board of Respiratory Care," to amend Chapter 261, "Licensure of Respiratory Care Practitioners," Chapter 262, "Continuing Education For Respiratory Care Practitioners," and Chapter 263, "Discipline For Respiratory Care Practitioners," and to rescind Chapter 264, "Fees," Iowa Administrative Code.

These proposed amendments implement background checks for individuals who apply for initial respiratory care licensure and for individuals who apply to reactivate their Iowa respiratory care licenses. A provision is added that allows students to qualify for licensure in Iowa who have completed a program that is under Letter of Review by the Committee on Accreditation for Respiratory Care. The proposed amendments rescind duplicative language found in 645—Chapters 4 and 5 and clarify that continuing education obtained through real-time interactive media or through an audio or video presentation that permits the licensee to communicate with the presenter in real time counts toward the 14 hours of continuing education required to be obtained through direct contact.

Prior to filing the Notice of Intended Action, the Board notified Iowa respiratory care programs and individuals who have requested to be notified of proposed amendments to rules. The Board received one comment on the proposed amendments, which suggested that programs under Letter of Review by the Committee on Accreditation for Respiratory Care should be acceptable respiratory care education programs. The Board considered the public comment at the July 28, 2008, Board meeting and approved amending 645—subrule 261.3(1) in response.

Any interested person may make written comments on the proposed amendments no later than September 16, 2008, addressed to Ella Mae Baird, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail ebaird@idph.state.ia.us.

A public hearing will be held on September 16, 2008, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 152B, and 272C.

The following amendments are proposed.

ITEM 1. Rescind and reserve **645—Chapter 260**.

ITEM 2. Amend subrule 261.2(1) as follows:

261.2(1) The following criteria shall apply to licensure:

a. and *b.* No change.

~~*c.* —Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Respiratory Care. The fees are nonrefundable.~~

~~*d.* —No application will be considered by the board until:~~

~~(1) —Rescinded IAB 6/8/05, effective 7/13/05.~~

~~(2) —The applicant satisfactorily completes the certification or registration examination for respiratory therapists administered by the National Board for Respiratory Care.~~

~~*e.* —Licensees who were issued their licenses within six months prior to the renewal shall not be required to renew their licenses until the renewal month two years later.~~

c. Each application shall be accompanied by the appropriate fees specified in subrule 5.17(1).

d. The applicant shall submit two completed sets of the fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of investigation (FBI) criminal history background checks shall be assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and FBI.

e. The applicant has satisfactorily completed the certification or registration examination for respiratory therapists administered by the NBRC.

f. Licensees who were issued their licenses within six months prior to the renewal shall not be required to renew their licenses until the renewal month two years later.

ITEM 3. Amend subrule 261.3(1) as follows:

261.3(1) The applicant shall have successfully completed a respiratory care education program ~~from an accredited school/program for training respiratory therapists~~ by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or by a program that is under Letter of Review by the Committee on Accreditation for Respiratory Care (CoARC) while actively pursuing CAAHEP accreditation.

ITEM 4. Amend rule 645—261.6(152B) as follows:

645—261.6(152B) Licensure by endorsement. An applicant who has been a licensed respiratory care practitioner under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. Submits to the board a completed application;
2. ~~Pays the licensure fee~~ Pays the licensure fee specified in rule 645—5.17(147,152B);
3. ~~Shows evidence of licensure requirements that are similar to those required in Iowa~~ Submits two completed sets of the fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks shall be assessed to the applicant;

4. ~~Rescinded IAB 6/8/05, effective 7/13/05.~~ Shows evidence of licensure requirements that are similar to those required in Iowa;

5. Provides an equivalency evaluation of foreign educational credentials sent directly from the equivalency service to the board;

6. Provides the examination scores:
 - Scores shall be sent directly from the examination service to the board of respiratory care; or
 - A notarized certificate shall be submitted showing proof of the successful completion of the examination for respiratory therapists or respiratory therapy technicians administered by the National Board for Respiratory Care; and

7. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

- Licensee's name;
- Date of initial licensure;
- Current licensure status; and
- Any disciplinary action taken against the license.

ITEM 5. Rescind and reserve rule **645—261.7(147)**.

ITEM 6. Amend subrule 261.8(7) as follows:

261.8(7) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in ~~645—subrule 264.1(3)~~ rule 645—5.17(147,152B). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 7. Rescind and reserve rules **645—261.11(147)** to **645—261.13(17A,147,272C)**.

ITEM 8. Amend subrule 261.14(2) as follows:

261.14(2) Pay the reactivation fee ~~that is due as~~ specified in ~~645—Chapter 264 rule 645—5.17(147,152B)~~.

ITEM 9. Renumber subrule **261.14(3)** as **261.14(4)**.

ITEM 10. Adopt the following new subrule 261.14(3):

261.14(3) If the license has been inactive for two or more years, the licensee shall submit two completed sets of the fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks shall be assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and FBI.

ITEM 11. Amend subrule 262.2(1) as follows:

262.2(1) The biennial continuing education compliance period shall extend for a two-year period beginning on April 1 of each even-numbered year and ending on March 31 of the next even-numbered year. Each biennium, ~~each person who is licensed to practice as a~~ the licensee ~~in this state~~ shall be required to complete a minimum of 24 hours of continuing education ~~approved by the board that meet the requirements specified in rule 645—262.3(152B,272C)~~. Fourteen of the 24 hours of continuing education shall be earned by completing a program in which the instructor conducts the class employing in-person or live, real-time interactive media or by employing an archived audio or video presentation which permits the licensee a means to communicate with the presenter in real time.

ITEM 12. Rescind and reserve rule **645—263.5(152B)**.

ITEM 13. Rescind and reserve **645—Chapter 264**.